IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1580 OF 1991
ALONGWITH
CIVIL APPLICATION NO.1863 OF 2002

Janakibai Mhatre widow of
Late Janu Narayan Mhatre
alias (Patil) & Ors. ..Petitioners.

Vs.

Government of Maharashtra
& Ors. ..Respondents.

Mr.R.A.Jahagirdar i/b.Mr.G.G.Bhatt for the Petitioners.

Mr.S.R.Nangolkar, A.G.P. for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 8TH JANUARY, 2007

P.C. :

By this petition, the Petitioners have sought an order directing the Respondents to commence, proceed with and conclude the necessary enquiry and proceedings and to grant the Petitioners ownership or permanent occupancy or lease in respect of the land which is the subject matter of the petition.

2. The Petitioners have also sought a declaration declaring as illegal, the decisions, orders and directions of the Respondents from occupying and granting yearly grass cutting rights in respect of the said land The Petitioners also sought certain

other consequential reliefs.

3. The Petitioners' contention is that they have been in occupation of the said land since 1948 and, are entitled inter-alia, under the policy of the Government, to have their occupancy regularised.

4. On behalf of Respondent Nos.1 to 5, one Murlidhar Laxman Pawar, Naib Tahsildar in the office of the Collector, Mumbai Suburban District, has filed an affidavit. He is also present in the Court. In the said affidavit, it is stated that the State Government has no objection to hear and decide the claim of the Petitioners in accordance with the law and also under the Maharashtra Land Rules, 1971, framed thereunder.

5. In view of the said affidavit, it is not necessary to consider the merits of the petition.

6. One Vivekanand Education Society, has filed Civil Application No.1863 of 2002 seeking to intervene in the above petition. The Applicants have sought to intervene in this matter in view of the alleged right of way in respect of the property which is the subject matter of the petition. The

Applicants does not claim any other right in respect of the said land nor does the Applicant oppose any orders that may be passed. The Applicants fairly state that they are not concerned with the disputes between the Petitioners and the Respondents.

7. In the circumstances, the petition is disposed of as follows :

i) Respondent No.1 shall hear and decide the the representations of the Petitioners, including the last representation dated 30.12.2003, in accordance with law.

ii) The Applicant Vivekanand Education Society, shall also be heard by the State Government, however, only in respect of their alleged right of way over the suit property.

iii) The status-quo shall continue till the passing of the order by the State Government and for a period of twelve weeks after a copy of the order is served on the Petitioners, if the same is adverse to the Petitioners.

iv) The rule is accordingly made absolute. The

Civil Application and the Writ Petition are disposed of accordingly.